

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before The  
TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Application Serial No. 76/523,880  
Published in the Official Gazette on Feb. 17, 2004**

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<b>NEWFREY LLC,</b>	<b>:</b>	
	<b>:</b>	
<b>Opposer,</b>	<b>:</b>	
	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>Opposition No.</b>
	<b>:</b>	
<b>FASTEC INDUSTRIAL CORP.,</b>	<b>:</b>	
	<b>:</b>	
<b>Applicant.</b>	<b>:</b>	

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**07-30-2004**  
U.S. Patent & TMO's/TM Mail Rcpt Dt. #22

**ANSWER TO NOTICE OF OPPOSITION**

**Applicant Fastec Industrial Corp., by its counsel, respectfully answers the  
allegations of the Notice of Opposition as follows:**

- 1. Applicant is without knowledge or information sufficient to enable it to  
admit the allegations of this paragraph of the Notice, and therefore denies same.**
- 2. Applicant is without knowledge or information sufficient to enable it to  
admit the allegations of this paragraph of the Notice, and therefore denies same.**
- 3. Applicant is without knowledge or information sufficient to enable it to  
admit the allegations of this paragraph of the Notice, and therefore denies same.**
- 4. Applicant is without knowledge or information sufficient to enable it to  
admit the allegations of this paragraph of the Notice, and therefore denies same.**
- 5. Applicant is without knowledge or information sufficient to enable it to**

**admit the allegations of this paragraph of the Notice, and therefore denies same.**

**6. Applicant is without knowledge or information sufficient to enable it to admit the allegations of this paragraph of the Notice, and therefore denies same. It is also noted that records of the U.S. Patent and Trademark Office indicate at least one title in other than opposer.**

**7. Admitted.**

**8. Applicant denies that its threaded metal fasteners are "closely related" to opposer's business. With regard to the second sentence of this paragraph, the preposition "its" that is the penultimate word appears to have no antecedent basis and therefore that sentence is not fully understood. As written, it is denied.**

**9. Denied.**

**10. Denied.**

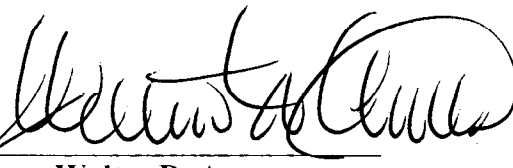
#### **AFFIRMATIVE DEFENSE**

**1. This opposition should be dismissed for failure to join the real party in interest, which appears to be Kwikset Corporation, of unknown address. Apparently Kwikset Corporation is an exclusive licensee of opposer and seeks to hide behind opposer and make itself unavailable as a party to this opposition and therefore not subject to discovery under certain of the Federal Rules of Civil Procedure.**

**WHEREFORE, applicant Fastec Industrial Corp. respectfully prays this  
Board for an order dismissing this opposition proceeding with prejudice.**

**Respectfully submitted,**

**FASTEC INDUSTRIAL CORP.**

By   
Walter D. Ames

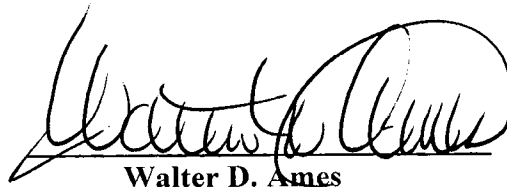
**Attorney for Applicant**

**Walter D. Ames  
6718 Wemberly Way  
McLean, VA 22101**

**Tel: (703) 356-1737  
Fax: (703) 448-3055**

**CERTIFICATE OF SERVICE**

It is hereby certified that on the 29th day of July, 2004, the foregoing Answer to Notice of Opposition was served on Opposer, Newfrey LLC, by sending a copy thereof to William G. Pecau, Esq. and Marc A. Paul, Esq., Steptoe & Johnson LLP, 1330 Connecticut Avenue, N.W., Washington, D.C. 20036, attorneys for Opposer, by first-class, postage-prepaid mail..

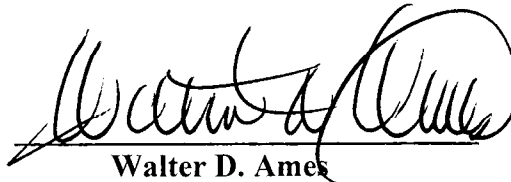
A handwritten signature in black ink, appearing to read "Walter D. Ames", is written over a horizontal line. The signature is stylized with a large, circular flourish at the end.

Walter D. Ames

**CERTIFICATE OF MAILING**

It is hereby certified that on the 29th day of July, 2004, two copies of the foregoing Answer to Notice of Opposition were deposited with the United States Postal Service as first-class, postage-prepaid mail in an envelope addressed to:

Box TTAB  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

A handwritten signature in black ink, appearing to read "Walter D. Ames", is written over a horizontal line.

Attorney for Applicant

**TTAB**

LAW OFFICE OF  
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July 29, 2004

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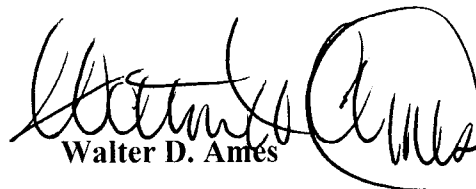
Re: Opposition No. \_\_\_\_\_  
Newfrey LLC v. Fastec Industrial Corp.

Dear Board Members:

Enclosed herewith are an original and copy of applicant's Answer to  
Notice of Opposition.


Service has been effected on counsel for the opposer..

Respectfully submitted,

  
Walter D. Ames

Attorney for Applicant

WDA/ss  
encls.

  
07-30-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22